

September 03, 2011

CLERK, U.S. BANKRUPTCY COURT  
EASTERN DISTRICT OF CALIFORNIA

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Gregory C. Nuti (CSBN 151754)

gnuti@schnader.com

Kevin W. Coleman (CSBN 168538)

kcoleman@schnader.com

Melissa S. Lor (CSBN 245515)

mlor@schnader.com

SCHNADER HARRISON SEGAL &amp; LEWIS LLP

One Montgomery Street, Suite 2200

San Francisco, California 94104-5501

Telephone: 415-364-6700

Facsimile: 415-364-6785

Attorneys for Chapter 11 Trustee, Bradley D. Sharp

## UNITED STATES BANKRUPTCY COURT

## EASTERN DISTRICT OF CALIFORNIA

## SACRAMENTO DIVISION

In re:

SK FOODS, L.P., a California limited  
partnership,

Debtor.

) Case No. 09-29162-D-11

) Chapter 11

) DCN: SH-117

) **ORDER GRANTING MOTION TO**  
) **AMEND ORDER AUTHORIZING**  
) **EMPLOYMENT OF DUNCAN**  
) **COTTERILL**

) Date: August 24, 2011

) Time: 10:00 a.m.

) Place: Courtroom 34

) 501 I Street, 6<sup>th</sup> Floor

) Sacramento, CA 95814

) Judge: Hon. Robert S. Bardwil

SCHNADER HARRISON SEGAL & LEWIS LLP  
ONE MONTGOMERY STREET, SUITE 2200  
SAN FRANCISCO, CALIFORNIA 94104-5501  
TELEPHONE: 415-364-6700  
FACSIMILE: 415-364-6785

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ng Motion to Amend Employment Order of Duncan Cotterill

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At the date, time, and place set forth above, the Court considered the Trustee's Motion to Amend Order Authorizing Employment of Duncan Cotterill (the "Motion") [Doc. No. 3112], filed by Bradley D. Sharp, the duly appointed and acting Chapter 11 trustee (the "Trustee") in the case of SK Foods, L.P. and RHM Industrial Specialty Foods, Inc. d/b/a Colusa County Canning Co. (collectively, the "Debtors"), the memorandum of points and authorities therein, the declarations, and all supporting and supplemental papers filed in support thereof. Appearances were made orally on the record. There was no opposition to the Motion.

The Court has duly considered the Motion, the memorandum of points and authorities therein, the declarations, all supporting and supplemental papers filed in support thereof, and the statements made on the record at the hearing. Based upon the foregoing:

**IT IS HEREBY ORDERED THAT** the Motion is granted as follows:

(1) The "Amended Order Approving and Authorizing Employment of Duncan Cotterill as Special Professional to the Trustee With an Effective Date of November 18, 2009" (the "Employment Order") [Docket Ctrl. No. SH-37; Doc. No. 1301],<sup>1</sup> is amended to authorize Duncan Cotterill to engage George Lucarelli and his law firm Wardell Chambers as its barrister to appear on the Trustee's behalf before the courts of Australia in all matters necessary and appropriate to maximize the estate's recovery on the Cedenco Equity Interest and Intercompany Loan;<sup>2</sup>

(2) Paragraph 2.c of this Court's September 8, 2009 Order Granting Trustee's Motion Establishing Procedures and Authorizing Payment of Professionals Fees and Expenses on a Monthly Basis [Doc. No. 685] is amended to allow the Trustee to reimburse Duncan Cotterill for 100% of the fees and expenses charged to it by Wardell Chambers on a

<sup>1</sup> The original order approving and authorizing the employment of Duncan Cotterill as special professional the Trustee was entered on January 20, 2010 [Doc. No. 1275]. The Court order was subsequently amended on February 11, 2010 to approve and authorize the employment of Duncan Cotterill as special professional to the Trustee with an effective date of November 18, 2009 [Doc. No. 1301].

<sup>2</sup> All capitalized terms not herein defined shall have the meaning otherwise ascribed to them in the Motion.

1 monthly basis under 11 U.S.C. § 328(a), subject only to the approval of the Official Committee  
2 of Unsecured Creditors and the Bank of Montreal, agent the for Debtors' pre-petition secured  
3 lenders, and notwithstanding any objections made to reimbursement of this expense item in the  
4 monthly fee statements; and

5 (3) Notwithstanding any order subsequently entered in the case, any  
6 fees/expenses charged to Duncan Cotterill by Wardell Chambers that are approved by this  
7 Court in connection with its applications for interim compensation shall not be subject to  
8 disgorgement.

9 **Approved as to form:**

10 Dated: September 2 , 2011

11 DOWNEY BRAND LLP

12 /s/ Jamie Dreher

13 Jamie Dreher

14 Attorneys for the Official Committee of  
15 Unsecured Creditors

Dated: September 2, 2011

CHAPMAN & CUTLER LLP

/s/ James E. Spiotto

James E. Spiotto

Attorneys for Bank of Montreal

16  
17  
18 IT IS SO ORDERED.

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20  
21 Dated: September 03, 2011

22  
23  
24 Robert S. Bardwil  
25 Robert S. Bardwil, Judge  
26 United States Bankruptcy Court  
27  
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